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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/615,166 | 07/07/2003 | Johannes L. Marais | 10953-008-999 | 8600 |

36088 7590 08/04/2008
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| EXAMINER |
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HAIDER, FAWAAD

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| ART UNIT | PAPER NUMBER |
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3627

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08/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/615,166 | Applicant(s) MARAIS, JOHANNES L. | |
| | Examiner FAWAAD HAIDER | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 27-35, and 53-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 27-35 and 53-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/12/08, 6/17/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 27-35, and 53-61 are rejected under 35 U.S.C. 102(e) as being unpatentable over Boswell et al (2003/0126053).

Re Claims 1, 27, 53: Boswell et al discloses receiving a request for a graphical depiction of said plurality of price adjustments that are applied to said product set over said predetermined time period (see [0027, 0032] and Figures 5-6); retrieving, in response to said request, transaction data for said plurality of price adjustments for said product set during said predetermined time period from a database that stores transaction data for said product (see [0010, 0034, 0041, 0043, and 0079]; computing, for each price adjustment in said plurality of price adjustments, a representation of an amount the price of said product set was adjusted in accordance with said corresponding price adjustment during said predetermined time period using said transaction data (see [0030, 0039, and 0071]); and graphing each said representation as an element in a graph having a start price point and an end price point, wherein each said element is placed between said start price point and said end price point (see

[0007, 0026, and 0027] and Figures 5-6). Boswell et al discloses a central processing unit, a memory, coupled to the CPU, the memory storing a waterfall history database that stores transaction data for said product, and a waterfall reporting module (see Waterfool Tool 20 and Waterfall Output 30 in Figure 1, Waterfall Worksheet in Figure 5, [0010, 0034, 0041, 0091-0093]).

Re Claims 2, 28, 54: Boswell et al discloses wherein said product set comprises a single shopkeeping unit that uniquely represents a product in a catalog of products (see [0077]).

Re Claims 3, 29, 55: Boswell et al discloses wherein said product set comprises each product sold to a particular customer or a particular group of customers during said predetermined time period (see [0075]).

Re Claims 4, 30, 56: Boswell et al discloses wherein each price adjustment in said plurality of price adjustments is selected from the group consisting of an order size discount, a promotion discount, an exception discount, a cash discount, a cooperative advertising discount, salesperson discretion, a promotional bonus, a product line rebate, an annual volume bonus, a marketing allowance, and a freight surcharge (see Figure 7, Figure 9, Figure 10, Figure 12, and [0007, 0033-0035, 0037, 0039, 0042, 0043, 0045, 0053-0056, 0060, 0061, 0063, 0065, 0066, 0069-0073, 0079-0084, 0088, and 0090]).

Re Claims 5, 31, 57: Boswell et al discloses wherein each said representation of said amount the price was adjusted in accordance with said corresponding price adjustment is a summation of the amount the price was adjusted by said price

adjustment in each transaction for the purchase of said product set during said predetermined time period (see [0048-0049, 0051, 0067-0068, 0076, 0081, 0083]).

Re Claims 6, 32, 58: Boswell et al discloses wherein each said representation of said amount the price was adjusted in accordance with said corresponding price adjustment is a weighted average of the amount the price was adjusted by said price adjustment in each transaction for the purchase of said product set during said predetermined time period (see [0040, 0074, 0076]).

Re Claims 7, 33, 59: Boswell et al discloses wherein said graph further includes one or more intermediate price points and each said element is associated with either an intermediate price point, selected from among said one or more intermediate price points, or said final price point, and wherein said element is plotted in the graph before the price point associated with the element (see [0007, 0080, and Figures 5-6).

Re Claims 8, 34, 60: Boswell et al discloses wherein an intermediate price point in said one or more intermediate price points is an invoice price (see [0007, 0027, and 0084]).

Re Claims 9, 35, 61: Boswell et al discloses accepting a selection of the element in said graph that corresponds to said first price adjustment; and graphing, for each subcategory of said first price adjustment, the representation that corresponds to said subcategory of said first price adjustment (see [0007, 0026, and 0027]).

Response to Arguments

3. Applicant's arguments filed 4/30/2008 have been fully considered but they are not persuasive. The applicant has failed to show continuity, and therefore due diligence,

from the time of the design specification (last modified on September 18, 2001) until the provisional application 60/395,703 was filed on July 12, 2002. Further, the design specification fails to disclose all of the limitations of the claims of the present application.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

/Fawaad Haider/
Examiner
Art Unit 3627

FIH